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No. 98-85

In the
Supreme Court of the United States
October Term, 1998

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SUPREME COURT, U.S.

JAMES B. HUNT, JR., in his official capacity as Governor of the State of North Carolina, *et al.*,

Appellants,

v.

MARTIN CROMARTIE, *et al.*,

Appellees.

RESPONSE OF APPELLANTS IN SUPPORT OF MOTION BY SMALLWOOD, *ET AL.*, TO INTERVENE AS APPELLANTS

Appellants, James B. Hunt, Jr., *et al.*, by their undersigned counsel, respond to the motion to intervene as appellants in this action by Alfred Smallwood, *et al.*, by supporting such intervention. The *Smallwood* appellants are currently defendant-intervenors in the court below and have important interests which the disposition of this appeal will affect. Intervention will not delay the appeal of this matter and, for the reasons stated in their motion, the *Smallwood* parties should be allowed to intervene as appellants in this appeal.

Respectfully submitted, this 7th day of October, 1998.

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North Carolina Attorney General

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Chief Deputy Attorney General

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COUNSEL FOR APPELLANTS

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
CIVIL NO. 4:96CV104-BO(3)

FILED
JUN 22 1998
DAVID W. DANIEL, CLERK
U.S. DISTRICT COURT
E. DIST. NO. CAR.

MARTIN CROMARTIE, et al.,

Plaintiffs,

v.

JAMES B. HUNT, JR., in his capacity as Governor of the State of North Carolina, et al.,

Defendants.

ORDER

THIS MATTER is before the Court on "Motion Of Alfred Smallwood, David Moore, William M. Hodges, Robert L. Davis, Jr., Jan Valder, Barney Offerman, Virginia Newell, Charles Lambeth and George Simkins To Intervene" filed November 26, 1997 and "Second Renewed Motion Of Alfred Smallwood, David Moore, William M. Hodges, Robert L. Davis, Jr., Jan Valder, Barney Offerman, Virginia Newell, Charles Lambeth, and George Simkins For Leave To Intervene As Defendant" filed May 26, 1998. Defendants in this action have filed a response indicating that they do not object to the motions. Plaintiffs have not filed a written response.

Upon review of both motions, the Court finds that the prospective intervenors meet the requirements of Rule 24(a) of the Federal Rules of Civil Procedure and are therefore entitled to intervene as of right in this action.

BEST AVAILABLE COPY

IT IS, THEREFORE, ORDERED that the "Motion Of Alfred Smallwood, David Moore, William M. Hodges, Robert L. Davis, Jr., Jan Valder, Barney Offerman, Virginia Newell, Charles Lambeth and George Simkins To Intervene" and "Second Renewed Motion Of Alfred Smallwood, David Moore, William M. Hodges, Robert L. Davis, Jr., Jan Valder, Barney Offerman, Virginia Newell, Charles Lambeth, and George Simkins For Leave To Intervene As Defendant" are GRANTED.

IT IS FURTHER ORDERED that leave of Court is GRANTED for Defendant-Intervenors to file their proposed amended answer.

THIS the 22nd day of June, 1998.

SAM J. ERVIN, III
United States Circuit Judge
TERRENCE W. BOYLE
Chief United States District Judge
RICHARD L. VOORHEES
United States District Judge

By: Terrence W. Boyle
TERRENCE W. BOYLE
Chief United States District Judge